

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ALHAMBRA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013090186

ORDER GRANTING DISTRICT'S
REQUEST FOR CONTINUANCE,
SETTING PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On November 25, 2013, Alhambra Unified School District (District) filed a request for a second continuance of all dates in this matter. On December 2, 2013, the parties filed an executed stipulation to the proposed dates for continuance, indicating that the Student did not oppose the requested continuance.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. Good cause exists for the continuance and the request is granted.

All dates are vacated. This matter shall be set as follows:

Prehearing Conference: **February 24, 2014**, at 3:00 p.m.

Due Process Hearing: **March 3, 4, 5, 6, 10, 11, 12 and 13, 2014**,

commencing at 9:30 a.m., except for the first day of hearing, which will commence at 1:30 p.m. The hearing will take place at District's offices. The hearing shall continue day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

NOTE: No further continuances are contemplated in this matter, which was filed on September 4, 2013.

IT IS SO ORDERED.

Dated: December 02, 2013

/s/

CLIFFORD H. WOOSLEY
Administrative Law Judge
Office of Administrative Hearings